other document prepared by the enrolled actuary, or his or her employee or agent, that was presented to the client with respect to a prior representation if such document is necessary for the taxpayer to comply with his or her current legal obligations. The term ''records of the client'' does not include any return, claim for refund, schedule, affidavit, appraisal or any other document prepared by the enrolled actuary or the enrolled actuary's firm, employees or agents if the enrolled actuary is withholding such document pending the client's performance of its contractual obligation to pay fees with respect to such document.

* * * * *

(m) The rules of this section apply to all actuarial services and related acts performed on or after the date these regulations are published as final regulations in the **Federal Register**.

Par. 10. Section 901.31 is amended by revising paragraphs (a) and (c) introductory text to read as follows:

§ 901.31 Grounds for suspension or termination of enrollment.

(a) *Failure to satisfy requirements for enrollment.* The enrollment of an actuary may be terminated if it is found that the actuary did not satisfy the eligibility requirements set forth in § 901.11 or § 901.12.

* * * * *

(c) *Disreputable conduct.* The enrollment of an actuary may be suspended or terminated if it is found that the actuary has, at any time after he/she applied for enrollment, engaged in any conduct set forth in § 901.12(f) or other conduct evidencing fraud, dishonesty, or breach of trust. Such other conduct includes, but is not limited to, the following:

* * * * *

Par. 11. Section 901.32 is amended by revising the last sentence to read as follows:

§ 901.32 Receipt of information concerning enrolled actuaries.

* * * If any other person has information of any such violation, he/she may make a report thereof to the Executive Director.

Par. 12. Section 901.47 is amended by revising the last sentence to read as follows:

§ 901.47 Transcript.

* * * Copies of exhibits introduced at the hearing or at the taking of depositions will be supplied to parties upon the payment of a reasonable fee (31 U.S.C. 9701).

Par. 13. Section 901.72 is added to read as follows:

§ 901.72 Additional rules.

The Joint Board may, in notice or other guidance of general applicability, provide additional rules regarding the enrollment of actuaries.

Zenaida Samaniego,

Chairman, Joint Board for the Enrollment of Actuaries.

[FR Doc. E9–22454 Filed 9–18–09; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2008–0020; Internal Agency Docket No. FEMA–B–1074]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule.

SUMMARY: Comments are requested on the proposed Base (1% annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the proposed regulatory flood elevations for the reach described by the downstream and upstream locations in the table below. The BFEs and modified BFEs are a part of the floodplain management measures that the community is required either to adopt or show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, these elevations, once finalized, will be used by insurance agents, and others to calculate appropriate flood insurance premium rates for new buildings and the contents in those buildings.

DATES: Comments are to be submitted on or before December 21, 2009.

ADDRESSES: The corresponding preliminary Flood Insurance Rate Map (FIRM) for the proposed BFEs for each community is available for inspection at the community's map repository. The respective addresses are listed in the table below.

You may submit comments, identified by Docket No. FEMA–B–1074, to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2820, or (e-mail) *kevin.long@dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2820, or (e-mail) *kevin.long@dhs.gov.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) proposes to make determinations of BFEs and modified BFEs for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

Comments on any aspect of the Flood Insurance Study and FIRM, other than the proposed BFEs, will be considered. A letter acknowledging receipt of any comments will not be sent.

National Environmental Policy Act. This proposed rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

Executive Order 12866, Regulatory Planning and Review. This proposed rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866, as amended.

Executive Order 13132, Federalism. This proposed rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This proposed rule meets the

applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

Flooding source(s)	Location of referenced elevation**	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Boone County, Arkansas, and Incorporated Areas				
Crooked Creek	Approximately 200 feet downstream of Highway 65	None	+1,047	Unincorporated Areas of Boone County.
	Approximately 1,300 feet upstream of Cloverhill Road	None	+1,070	
Dry Jordan Creek	Approximately 0.63 miles upstream of Goblin Drive	None	+1,167	Unincorporated Areas of Boone County.
	Approximately 0.64 miles upstream of Goblin Drive	None	+1,167	
Dry Jordan Tributary	Approximately 560 feet upstream of Highway 65	None	+1,208	Unincorporated Areas of Boone County.
	Approximately 720 feet upstream of Highway 65	None	+1,208	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (*see* below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Unincorporated Areas of Boone County

Maps are available for inspection at 100 North Main Street, Harrison, AR 72601.

Johnson County, Arkansas, and Incorporated Areas				
Little Willett Branch	Just upstream of State Highway 103	None	+409	Unincorporated Areas of Johnson County.
	Approximately 200 feet upstream of State Highway 103.	None	+409	
Sprada Creek	Approximately 1,050 feet downstream of Private Road 3477.	None	+391	Unincorporated Areas of Johnson County.
	Just upstream of County Highway 3520	None	+411	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (*see* below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Unincorporated Areas of Johnson County

Maps are available for inspection at P.O. Box 278, 705 Cline Road, Clarksville, AR 72830.

Del Norte County, California, and Incorporated Areas				
Lake Earl	Entire shoreline	None	+13	Unincorporated Areas of Del Norte County.
Lake Tolowa	Entire shoreline	None	+13	Unincorporated Areas of Del Norte County.
Overflow Southwest of Smith River.	Approximately 2,000 feet east of the intersection of Prigmore Street and Fisher Drive.	None	+13	Unincorporated Areas of Del Norte County.

Flooding source(s)	Location of referenced elevation**	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
	Approximately 500 feet west of the intersection of Highway 101 and Reynolds Court.	None	+40	
Pacific Ocean	From approximately 1,420 feet north of Pyramid Point to approximately 7,870 feet south of the mouth of Lake Tolowa along the shoreline of the Pacific Ocean.	None	+14–20	Unincorporated Areas of Del Norte County.
	Approximately 7,000 feet north of the mouth of Lake Tolowa just inland of the shoreline of the Pacific Ocean.	None	#1	
	Approximately 2,300 feet north of the mouth of Lake Tolowa just inland of the shoreline of the Pacific Ocean.	None	#2	
Rowdy Creek	Confluence with Smith River	None	+25	Unincorporated Areas of Del Norte County.
	Approximately 1,450 feet upstream of Highway 101	None	+64	
Sheetflow Southwest of Smith River.	From just downstream of Highway 101 to approximately 500 feet west of Lower Lake Road between Tryon Creek and the Smith River.	None	#2	Unincorporated Areas of Del Norte County.
Smith River	Mouth of the Smith River	None	+15	Unincorporated Areas of Del Norte County.
	Approximately 2,100 feet upstream of Highway 101	None	+47	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (*see* below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Unincorporated Areas of Del Norte County

Maps are available for inspection at City Hall, Public Works Department, 377 J Street, Crescent City, CA 95531.

Edmonson County, Kentucky, and Incorporated Areas

Alexander Creek (Backwater effects from Green River).	From confluence with Green River to approximately 240 feet upstream of confluence with Alexander Creek Tributary 3.	None	+446	Unincorporated Areas of Edmonson County.
Bear Creek (Backwater effects from Green River).	From confluence with Green River to approximately 3.8 miles upstream of confluence with Green River.	None	+438	Unincorporated Areas of Edmonson County.
Beaverdam Creek South (Backwater effects from Green River).	From confluence with Green River to approximately 3.4 miles upstream of confluence with Green River.	None	+449	Unincorporated Areas of Edmonson County, City of Brownsville.
Beaverdam Creek Tributary 6 (Backwater effects from Green River).	From confluence with Beaverdam Creek South to approximately 1,400 feet upstream of confluence with Beaverdam Creek South.	None	+449	Unincorporated Areas of Edmonson County, City of Brownsville.
Brier Creek (Backwater effects from Nolin Lake).	From confluence with Nolin Lake to approximately 0.6 mile upstream of confluence with Nolin Lake.	None	+560	Unincorporated Areas of Edmonson County.
Bylew Creek (Backwater effects from Green River).	From confluence with Nolin River to approximately 1.2 miles upstream of confluence with Nolin River.	None	+455	Unincorporated Areas of Edmonson County.
Dog Creek (Backwater effects from Nolin Lake).	From county boundary to approximately 0.6 mile upstream of confluence with Dog Creek Tributary 1.	None	+560	Unincorporated Areas of Edmonson County.
Green River	At confluence with Bear Creek	None	+438	Unincorporated Areas of Edmonson County, City of Brownsville.
	At approximately 3.4 miles upstream of confluence with Ugly Creek.	None	+480	
Green River Tributary 4 (Backwater effects from Green River).	From confluence with Green River to approximately 0.6 mile upstream of confluence with Green River.	None	+445	Unincorporated Areas of Edmonson County.
Honey Creek (Backwater effects from Green River).	From confluence with Green River to approximately 1.6 miles upstream of confluence with Green River.	None	+443	Unincorporated Areas of Edmonson County.

Flooding source(s)	Location of referenced elevation**	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Indian Creek (Backwater effects from Green River).	From confluence with Green River to approximately 0.9 mile upstream of confluence with Green River.	None	+452	Unincorporated Areas of Edmonson County, City of Brownsville.
Laurel Branch (Backwater effects from Green River).	From confluence with Beaverdam Creek South to approximately 0.5 mile upstream of confluence with Beaverdam Creek South.	None	+449	City of Brownsville.
Little Beaverdam Creek (Backwater effects from Green River).	From confluence with Green River to approximately 1 mile upstream of confluence with Sally Branch.	None	+442	Unincorporated Areas of Edmonson County.
Nolin Lake	Entire shoreline of Nolin Lake	None	+560	Unincorporated Areas of Edmonson County.
Nolin River (Backwater effects from Green River).	From confluence with Green River to approximately 0.8 mile upstream of confluence with Bylew Creek.	None	+455	Unincorporated Areas of Edmonson County.
Sally Branch (Backwater effects from Green River).	From confluence with Little Beaverdam Creek to approximately 0.6 mile upstream of confluence with Little Beaverdam Creek.	None	+442	Unincorporated Areas of Edmonson County.
Ugly Creek (Backwater effects from Green River).	From confluence with Green River to approximately 1.1 miles upstream of confluence with Green River.	None	+477	Unincorporated Areas of Edmonson County.
Wolf Creek (Backwater effects from Nolin Lake).	From confluence with Dog Creek to approximately 1 mile upstream of confluence with Dog Creek.	None	+560	Unincorporated Areas of Edmonson County.

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (*see* below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Brownsville

Maps are available for inspection at 121 Washington Street, Brownsville, KY 42210.

Unincorporated Areas of Edmonson County

Maps are available for inspection at 108 North Main Street, Brownsville, KY 42210.

Lincoln County, Nevada, and Incorporated Areas

Clover Creek	Approximately 280 feet upstream of confluence with Meadow Valley Wash (Near Caliente).	+4,404	+4,409	Unincorporated Areas of Lincoln County, City of Caliente.
	Approximately 2.4 miles upstream of confluence with Meadow Valley Wash (Near Caliente).	None	+4,473	
Meadow Valley Wash (Near Caliente).	Approximately 0.73 mile downstream of Union Pacific Railroad.	None	#2	Unincorporated Areas of Lincoln County, City of Caliente.
	Approximately 1,540 feet downstream of Union Pacific Railroad.	None	#3	
	Approximately 0.73 mile downstream of Union Pacific Railroad.	+4,329	+4,329	
	Approximately 674 feet upstream of U.S. Highway 93	+4,437	+4,438	
Meadow Valley Wash (Near Ursine).	Approximately 1.0 mile downstream of North Eagle Valley Road.	None	+5,543	Unincorporated Areas of Lincoln County.
	Approximately 1,150 feet upstream of North Eagle Valley Road.	None	+5,607	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (*see* below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

Flooding source(s)	Location of referenced elevation**	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	

ADDRESSES

City of Caliente

Maps are available for inspection at 100 Depot Avenue, Caliente, NV 89008.

Unincorporated Areas of Lincoln County

Maps are available for inspection at the Planning and Zoning Department, 181 Main Street, Suite 107, Pioche, NV 89043.

Clay County, Tennessee, and Incorporated Areas

Cumberland River	Approximately 3.5 miles downstream of Highway 52	None	+508	Unincorporated Areas of Clay County, City of Celina.
	Approximately 4.8 miles upstream of Highway 52	None	+518	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
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Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Celina

Maps are available for inspection at City Hall, 143 Cordell Hull Drive, Celina, TN 38551.

Unincorporated Areas of Clay County

Maps are available for inspection at the Clay County Public Library, 116 Guffey Street, Celina, TN 38551.

Atascosa County, Texas, and Incorporated Areas

Rutledge Hollow Creek	Just upstream of Roys Drive	None	+440	Unincorporated Areas of Atascosa County.
	Approximately 500 feet upstream of Roys Drive	None	+442	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (*see* below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Unincorporated Areas of Atascosa County

Maps are available for inspection at Circle Drive 41, Jourdanton, TX 78026.

Washington County, Vermont (All Jurisdictions)

Great Brook No. 1	At the confluence with Winooski River	+503	+501	Town of Middlesex.
	Approximately 140 feet downstream of U.S. Route 2	+503	+501	
Gunners Brook	At the downstream side of Brook Street	+598	+596	City of Barre.
	Approximately 80 feet upstream of Brook Street	None	+616	
Mad River	At the confluence with Winooski River	+452	+454	Town of Moretown.
	Approximately 950 feet upstream of confluence with Winooski River.	+452	+454	
Mirror Lake	Entire shoreline	None	+1,047	Town of Calais.
North Montpelier Pond	Entire shoreline	None	+708	Town of Calais, Town of East Montpelier.
Stevens Branch	At the confluence with Winooski River	+547	+544	Town of Barre, City of Barre, City of Montpelier, Town of Berlin.
	At county boundary (approximately 2.0 miles upstream of Snowbridge Road).	+741	+740	

Flooding source(s)	Location of referenced elevation**	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Sunny Brook of Winooksi River.	At the confluence with Winooski River	+513	+510	Town of Middlesex.
	At downstream side of New England Central Railroad	+513	+510	
Thatcher Brook	Approximately 225 feet upstream of Stowe Street	+503	+502	Town of Waterbury.
	Approximately 1,100 feet upstream of Stowe Street	+504	+503	
Union Brook	At the confluence with Dog River	+727	+728	Village of Northfield.
	Approximately 60 feet upstream of Water Street	+727	+728	
Winooski River	At Chittenden County Boundary (approximately 13,080 feet downstream of Bolton Falls Dam).	+341	+342	Town of Middlesex, City of Montpelier, Town of Berlin, Town of Duxbury, Town of East Montpelier, Town of Moretown, Town of Waterbury, Village of Waterbury.
	At downstream side of Green Mountain Power No. 4 Dam.	+597	+595	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (*see* below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Barre
Maps are available for inspection at City Hall, 6 North Main Street, Barre, VT 05641.

City of Montpelier
Maps are available for inspection at the Planning, Zoning, and Community Development Department, City Hall, 39 Main Street, Montpelier, VT 05602.

Town of Barre
Maps are available for inspection at the Town Clerk's Office, 149 Websterville Road, Websterville, VT 05678.

Town of Berlin
Maps are available for inspection at the Town Zoning Office, 108 Shed Road, Berlin, VT 05602.

Town of Calais
Maps are available for inspection at the Town Clerk's Office, 3120 Pekin Brook Road, East Calais, VT 05650.

Town of Duxbury
Maps are available for inspection at the Town Office, 5421 Vermont Route 100, Duxbury, VT 05676.

Town of East Montpelier
Maps are available for inspection at the Town Hall, 40 Kelton Road, East Montpelier, VT 05651.

Town of Middlesex
Maps are available for inspection at the Town Clerk's Office, 5 Church Street, Middlesex, VT 05602.

Town of Moretown
Maps are available for inspection at the Town Clerk's Office, 994 Vermont Route 100B, Moretown, VT 05660.

Town of Waterbury
Maps are available for inspection at the Waterbury Municipal Offices, 51 South Main Street, Waterbury, VT 05676.

Village of Northfield
Maps are available for inspection at the Zoning Office, 51 South Main Street, Northfield, VT 05663.

Village of Waterbury
Maps are available for inspection at the Waterbury Municipal Offices, 51 South Main Street, Waterbury, VT 05676.

Upshur County, West Virginia, and Incorporated Areas

Brushy Fork (Backwater flooding from Buckhannon River).	Approximately at the confluence with Fink Run	None	+1,415	Unincorporated Areas of Upshur County.
	Approximately 700 feet upstream of County Route 7/1 (Left Branch of Brushy Fork).	None	+1,415	
Fink Run (Backwater flooding from Buckhannon River).	Just upstream of Old Weston Road	None	+1,415	Unincorporated Areas of Upshur County.

Flooding source(s)	Location of referenced elevation**	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
	Approximately 2,100 feet upstream of intersection of Old Weston Road and County Route 5/7 (Mudlick Run).	None	+1,415	
Unnamed Tributary No. 1 to Fink Run (Backwater flooding from Buckhannon River).	Approximately at the area bounded by US Route 33, Wabash Avenue, and County Route 33/1.	None	+1,415	Unincorporated Areas of Upshur County.

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (*see* below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Unincorporated Areas of Upshur County

Maps are available for inspection at 38 West Main Street, Buckhannon, WV 26201.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Deborah S. Ingram,

Acting Deputy Assistant Administrator for Mitigation, Mitigation Directorate, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. E9–22581 Filed 9–18–09; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Part 1135

[STB Ex Parte No. 682]

Annual Submission of Tax Information for Use in the Revenue Shortfall Allocation Method

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Surface Transportation Board (Board) proposes that the Association of American Railroads (AAR) annually update each Class I railroad's weighted average State tax rate for use in the Revenue Shortfall Allocation Method (RSAM), which is one of three benchmarks that together are used to determine the reasonableness of a challenged rate under the Board's *Simplified Standards for Rail Rate Cases,* STB Docket No. 646 (Sub-No. 1) (STB served Sept. 5, 2007) (*Simplified Standards*). Pursuant to 49 U.S.C. 11145, the Board proposes that AAR calculate the weighted average State tax rate using the number of miles operated by each Class I carrier in each state and the corporate income tax rates for each State. The Board proposes that AAR submit this information on or before the due date for the Class I railroads to submit their Annual Report R–1, Schedule 250.

DATES: Comments must be filed by October 21, 2009. Replies are due November 10, 2009.

ADDRESSES: Comments may be submitted either via the Board's e-filing format or in the traditional paper format. Any person using e-filing should attach a document and otherwise comply with the instructions at the E-FILING link on the Board's Web site, at *http://www.stb.dot.gov.* Any person submitting a filing in the traditional paper format should send an original and 10 copies to: Surface Transportation Board, Attn: STB Ex Parte No. 682, 395 E Street, SW., Washington, DC 20423–0001.

Copies of written comments will be available for viewing and self-copying at the Board's Public Docket Room, Room 131, and will be posted to the Board's Web site.

FOR FURTHER INFORMATION CONTACT: Timothy J. Strafford at (202) 245–0356. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The Board recently completed a revision to its methodology for calculating RSAM, one of the three benchmarks used in the rate standard applied to the smallest rate disputes under *Simplified Standards. See Simplified Standards for Rail Rate Cases—Taxes in Revenue Shortfall Allocation Method,* STB Ex Parte No. 646 (Sub-No. 2) (STB served May 11, 2009) (*RSAM Taxes*). Specifically, that revision addressed the methodology used to calculate railroad-specific tax rates to be reflected in RSAM. The calculation of the railroad-specific weighted average state tax rates requires, as one component, the state tax rates applicable to each Class I railroad, which can vary by state and railroad depending on a number of factors. The Board noted in *RSAM Taxes* that, because of this variance, the Board would need updated tax information on an annual basis. Therefore, the Board is now instituting this proceeding to propose that AAR annually update each Class I railroad's weighted average state tax information.

Under the Board's proposal the AAR would calculate the weighted average state tax rate for each Class I railroad using the state corporate income tax rates and the number of miles operated by each carrier in each state for the previous year. For the state corporate income tax rates, AAR would use the state corporate tax information